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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 WILLIAM RAY BARTON,

12 Petitioner,

13 v.

14 CALIFORNIA MENS COLONY,

15 Respondent.  
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No. 2:23-CV-0134-DMC-P

ORDER

17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of  
18 habeas corpus under 28 U.S.C. § 2254. Pending before the Court is Petitioner's petition, ECF  
19 No. 1. "A petitioner for habeas corpus relief must name the state officer having custody of him or  
20 her as the respondent to the petition." Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th  
21 Cir. 1994); see also Rule 2(a), Federal Rules Governing Section 2254 Cases. Because Petitioner  
22 has not named the appropriate state officer, Petitioner will be provided leave to amend to correct  
23 this technical defect by naming the correct respondent. See Stanley, 21 F.3d at 360. Petitioner is  
24 warned that failure to comply with this order may result in the dismissal of this action. See Local  
25 Rule 110.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's petition for writ of habeas corpus, ECF No. 1, is dismissed with leave to amend;
2. Petitioner shall file an amended petition on the form employed by this court, and which names the proper respondent and states all claims and requests for relief, within 30 days of the date of this order; and
3. The Clerk of the Court is directed to send Petitioner the Court's form habeas corpus application.

Dated: March 23, 2023



DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE